

ARKANSAS SOIL AND WATER CONSERVATION COMMISSION **NUTRIENT MANAGEMENT RULE SUMMARIES**

Because of concerns about the adverse effects of excess nutrients to waters within the state, the 2003 Legislature passed nutrient management legislation and designated certain geographic areas of the state as “nutrient surplus areas” due to excessive amounts of one or more nutrients within those areas. Titles 19, 20, 21, and 22 were developed to implement the nutrient management legislation. These titles provide a comprehensive framework for maintaining the benefits derived from the wise use of poultry litter and commercial fertilizers while avoiding unwanted effects from excess nutrient applications on waters within the State. The most recently filed versions include revisions made in response to Acts 253, 1243, 1871, and 2294 of 2005.

RULES GOVERNING THE ARKANSAS POULTRY FEEDING OPERATIONS REGISTRATION PROGRAM (Title 19)

Title 19 was developed to implement Act 1060 of 2003, “The Arkansas Poultry Feeding Operations Registration Act,” codified at Arkansas Code Annotated §§ 15-20-901 et seq. This law requires any facility with 2,500 or more birds to register annually with the Commission. Title 19 provides a framework for how registration should take place and clarifies the role of county conservation districts in registration.

RULES GOVERNING THE ARKANSAS NUTRIENT MANAGEMENT PLANNER CERTIFICATION PROGRAM (Title 20)

Title 20 was developed to implement Act 1059 of 2003, "Arkansas Soil Nutrient Management Planner and Applicator Certification Act," codified at Arkansas Code Annotated §§ 15-20-1001 et seq. Title 20 concerns the certification of Nutrient Management Planners. (Title 21 below explains certification for applicators.) To write plans for Nutrient Surplus Areas, a planner must be certified. For other parts of the State, a planner does not have to be certified unless the person requesting a plan is applying for federal money and receipt of funds is contingent upon having a plan drafted by a certified planner. To be certified as a Nutrient Planner, an applicant must complete a training course, pass an examination demonstrating proficiency, and pay a certification fee every five years. Certified Nutrient Planners will be required to attend four hours of continuing education every five years.

RULES GOVERNING THE ARKANSAS NUTRIENT MANAGEMENT APPLICATOR CERTIFICATION PROGRAM (Title 21)

Title 21 was also drafted in response to Act 1059 of 2003. This set of rules is intended for persons seeking Nutrient Applicator Certification. Generally, to apply nutrients from litter or commercial fertilizers in Nutrient Surplus Areas, an applicator must be certified. Applicators may either apply for Certified Private Applicator or Certified Commercial Applicator Nutrient Management Certification. To be certified as

a Private Applicator, an applicant must complete a training course and submit a certification fee every five years. To be certified as a Commercial Applicator, an applicant must complete a training course, pass an examination as well as paying an examination fee, and pay a certification fee every five years. All Commercial Applicators will be required to attend four hours of continuing education every five years.

**RULES GOVERNING THE ARKANSAS SOIL NUTRIENT AND POULTRY
LITTER APPLICATION AND MANAGEMENT PROGRAM
(Title 22)**

Title 22 was developed to implement Act 1061 of 2003, "Arkansas Soil Nutrient Application and Poultry Litter Utilization Act," codified at Arkansas Code Annotated §§ 15-20-1101 et seq. This title describes how nutrients must be applied in “nutrient surplus areas,” geographic areas legislatively designated as having excessive amounts of one or more nutrients, and how to keep records of application. This title also includes protective rates approved by the Commission for nutrient application in nutrient surplus areas. Subtitles Three and Four of these rules describe Commission requirements for drafting nutrient management plans and poultry litter management plans as well as the review process for approval of those plans. Enforcement procedures are described in Subtitle Six.